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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/995,696

11/29/2001

Takefumi Wakabayashi

1979

7055 7590 12/21/2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

NANO, SARGON N

ART UNIT

PAPER NUMBER

2157

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

12/21/2006

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/21/2006.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

09/995,696

Applicant(s)

WAKABAYASHI, TAKEFUMI

Examiner

Sargon N. Nano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 january 06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 -20, 22 - 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 -20, 22 - 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This action is responsive to amendment filed Sep. 12, 2006. Claims 17, 29 are amended. Claim 32 is canceled. Claims 17 – 20, 22 – 31 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17 – 20, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Motoyama et al U.S. Patent No. 6,308,205 referred to hereafter as Motoyama).

Motoyama teaches method and system for remote diagnostic control and information collection based on various communication modes for sending message to users(see abstract).

As to claim 17, Motoyama teaches a transmitting apparatus that communicates with a receiving apparatus, the receiving apparatus exchanging data with a monitor apparatus that monitors a status of the receiving apparatus, the transmitting apparatus comprising:

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a receiver configured to receive, from the monitoring apparatus, status information of the receiving apparatus(see col. 9 lines 35 – 42 Motoyama discloses a service machine, or monitoring device , receiving data about the status of a monitored device or network resource and in turn sending the data to a user terminal) ;

a memory configured to store the status information of the receiving apparatus(see col. 3 lines 11 – 27 Motoyama discloses a message is sent to a user about the status of a network resource of the monitored device) ; and

a controller configured to check the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and to notify, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus(see col. col. 3 lines 11-37, Motoyama discloses checking the status of the network device or monitored device prior to sending data).

the controller being further configured to transmit the data to the receiving apparatus when it is determined that the receiving apparatus is available , based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus (see col. 3 lines 11 – 37 Motoyama discloses based on the status of the device or network resource a user is allowed or prohibited from sending data to a monitored device) .

As to claim 18, Motoyama teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises one of power being turned ON and power being turned OFF (see col.3 lines 26 - 37).

As to claim 19, Motoyama teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises an indication that the receiving apparatus is unable to receive the transmitting data (see col.3 lines 26 - 37).

As to claim 20, Motoyama teaches the transmitting apparatus according to claim 17, wherein the status information of the receiving apparatus comprises an indication that the receiving apparatus is unable to print the transmitting data (see col.3 lines 26 – 37 and fig.11).

As to claim 29, Motoyama teaches a method for transmitting data using a transmitting apparatus, the transmitting apparatus communicating with a receiving apparatus, the receiving apparatus exchanging data with a monitor apparatus that monitors a status of the receiving apparatus, the method comprising:

receiving, from the monitoring apparatus, status information of the receiving apparatus (see col. 9 lines 35 – 42);

storing the status information of the receiving apparatus *without accessing the monitoring apparatus* (see col. 3 lines 11 – 27);

examining the stored status information of the receiving (see col. col. 3 lines 11-37);

and notifying, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to transmitting the transmitting data to a selected receiving apparatus (see col. 3 lines 11- 37) and the controller being further configured to transmit the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus (see col. 3 lines 11 – 37).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23, 24, 26, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Carcerano et al. U.S. Patent 6,308,205 (referred to hereafter as carcerano).

As to claim 23, Carcerano teaches a monitoring apparatus, comprising:
a communicator configured to communicate data with a receiving apparatus to receive status information of the receiving apparatus, the receiving apparatus storing

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destination information of a predetermined transmitting apparatus, *and* to receive, from the receiving apparatus, the destination information of the transmitting apparatus(see col.2 lines 13 – 20); and

a controller configured to transmit, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the received destination information of the predetermined transmitting apparatus, whereby the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the receiving apparatus *without accessing the monitoring apparatus* (see col.2 lines 13 - 20).

As to claim 24, Carcerano teaches the monitoring apparatus according to claim 23, wherein, when the receiving apparatus is turned ON, the communicator receives the status information of the connected receiving apparatus, using a TRAP message (see col. 14 lines 31 - 38).

As to claim 26, Carcerano teaches a receiving apparatus, comprising;

a communicator configured to exchange data with a monitoring apparatus that monitors a status of the receiving apparatus(see col.2 lines 13 – 20);

a memory configured to store destination information of a predetermined transmitting apparatus(see col. 2 lines 13 – 20).;

a controller configured to transmit, to the monitoring apparatus, an address of the transmitting apparatus, to collect status information within the receiving apparatus, and to transmit, to the monitoring apparatus, the collected status information of the receiving

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apparatus, whereby the monitoring apparatus transmits, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the destination information of the predetermined transmitting apparatus, and the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the receiving apparatus *without accessing the monitoring apparatus* (see col. . 2 lines 13 – 20).

As to claim 30, Carcerano teaches a method for monitoring a receiving apparatus, using a monitoring apparatus, the monitoring apparatus exchanging data with the receiving apparatus, the method comprising:

receiving, from the receiving apparatus, status information of the receiving apparatus, the receiving apparatus storing destination information of a predetermined transmitting apparatus(see col.2 lines 13 - 20);

receiving, from the receiving apparatus, the destination information of the transmitting apparatus (see col.2 lines 13 - 20);

storing the destination information of the predetermined transmitting apparatus and transmitting, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the stored destination information of the predetermined transmitting apparatus, whereby the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the

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receiving apparatus without accessing the monitoring apparatus (see col.2 lines 13 - 20);

As to claim 31, Carcerano teaches a method for controlling a receiving apparatus, the receiving apparatus exchanging data with a monitoring apparatus, the method comprising;

storing destination information of a predetermined transmitting apparatus(see col.2 lines 13 - 20);

transmitting, to the monitoring apparatus, the destination information of the transmitting apparatus(see col.2 lines 13 - 20);

collecting status information within the receiving apparatus(see col. 5 line 55 – col. 6 lines 15); and

transmitting, to the monitoring apparatus, the status information of the receiving apparatus, whereby the monitoring apparatus transmits, to the predetermined transmitting apparatus, the status information of the receiving apparatus, based on the destination information of the predetermined transmitting apparatus, and the predetermined transmitting apparatus notifies, to a user of the predetermined transmitting apparatus, the status information of the receiving apparatus prior to a transmission of transmitting data to the receiving apparatus(see col.2 lines 13 - 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 22, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano in view of Tamaru et al. U.S. Patent No. 7,012,708.

As to claim 22, 25, 27, 28 and 32 Carcerano teaches the invention above.

Carcerano does not explicitly teach where in the transmitting and receiving operations comprises as internet facsimile apparatus, however Tamaru teaches the IFAX on the transmitting end transmits mail transmission notice to IFAX at the receiving end (see abstract and fig.5). It would have been obvious to one of the ordinary skill in the art to incorporate the teachings of transmitting to enable the sender to receive a notification of a transmitted data or message.

Response to Arguments

Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano
Dec. 9, 2006


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